

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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DOROTHY HANDEL,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 15-1112

Special Master Christian J. Moran

Filed: March 9, 2016

Stipulation; tetanus, diphtheria,  
acellular pertussis vaccine; Tdap  
vaccine; shoulder injury related to  
vaccine administration; SIRVA

Edward M. Kraus, Law Offices of Chicago Kent, Chicago, IL, for petitioner;  
Michael P. Milmo, United States Department of Justice, Washington, DC, for respondent.

### **UNPUBLISHED RULING FINDING ENTITLEMENT TO COMPENSATION<sup>1</sup>**

On October 2, 2015, Dorothy Handel (“petitioner”) filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §300a—10 et. seq., alleging that she suffered a shoulder injury related to her receipt of the tetanus, diphtheria, acellular pertussis (“Tdap”) vaccine on June 13, 2014.

In her Rule 4(c) report, respondent states that “compensation is appropriate under the terms of the Vaccine Act.” Resp’t Rep’t, filed Mar. 8, 2016, at 4. Respondent adds that the Division of Vaccine Injury Compensation, Department of Health and Human Services, has reviewed the facts of this case and has concluded that the alleged injury, lasting for more than six months, “is consistent with a shoulder injury related to vaccine administration (“SIRVA”),” and thus that “entitlement to compensation is appropriate under the terms of the Vaccine Act.” *Id.* (citations omitted).

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based

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<sup>1</sup> The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

upon a review of the record as a whole, the undersigned finds that petitioner has established that she is entitled to compensation for her injury.

**Accordingly, Ms. Handel is entitled to compensation.** A status conference remains scheduled for **Friday, March 18, 2016 at 11:00 A.M. Eastern Time**, to discuss the process for quantifying the amount of damages to which Ms. Handel is entitled.<sup>2</sup>

Any questions may be directed to my law clerk, Dan Hoffman, at (202) 357-6392.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> In anticipation of the status conference, petitioner shall begin gathering the materials to determine damages.